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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,456	03/26/2004	Byung Woo Min	1733.01	1780

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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES, CA 90010

EXAMINER

NGUYEN, TAN QUANG

ART UNIT

PAPER NUMBER

3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10.811.456

EXAMINER

ART UNIT	PAPER
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20070330

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents


TAN Q NGUYEN
Primary Examiner
Art Unit: 3661

Office Action Summary

Application No.

10/811,456

Applicant(s)

MIN ET AL.

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-13,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,4,14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-17 are pending.
2. The Information Disclosure Statement submitted on March 26, 2004 has been considered. However, none of the prior is listed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1, 2, 5-13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcoz (2004/0212196) in view of Saab (5,736,923).

6. With respect to claim 1, Marcoz discloses a safe system for a vehicle having an engine and a manual transmission which includes a motion transducer module for detecting motion of the vehicle, and a controller module for deciding erroneous starting of the vehicle and stopping the vehicle when erroneous starting is decided (see at least figure 1, the abstract, and paragraphs [0006] and [0009]. Marcoz also disclose that when the output of the motion transducer module has a sufficient amplitude (or crosses a base line), it is determined that the erroneous is occur, i.e. a lurch forward or backward (see at least paragraphs [0026] to [0031].

7. Marcoz does not explicitly disclose the determination of the erroneous starting based on the number of baseline crossings. However, Saab suggests an apparatus and method for sensing the values of forward motion of the vehicle based on the time-based acceleration plot as shown in figure 3a. It is known that the lurch forward or backward is the motions which are greater than the motions produced when the engine is being started, i.e. such plot in the Saab teaching will have the peaks above the normal peak, or having the numbers of crossing base line. Thus, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the teaching of the Saab reference into the system of Marcoz in order to provide the system with the enhanced capability of determining the erroneous starting by simply based on the number of sufficient amplitudes within a time frame from the output of the motion transducer module.

8. With respect to claim 2, Marcoz also disclose a remote starter for receiving signal from a remote controller and starts the engine of the vehicle, wherein the controller module stops the remote starter from cranking the engine (see at least figure 1 and the related text).

9. With respect to claims 5-9, Saab discloses the accelerometer for sensing the acceleration in one-dimension, two-dimension or three-dimension and the plot shows a predefined variation from the base line (see at least figure 1 and 3a).

10. With respect to claim 10, Marcoz does not disclose the time frame is about 250 millisecond. However, Marcoz does suggest that wheel rotation sensor provides a signal of sufficient amplitude to inhibit the start motor when the vehicle has traveled less than about 4 to 6 inches (see paragraph [0032]). Thus, such time frame should be relatively small in order for the lurch forward of less than 4 to 6 inches.

11. With respect to claim 11, Marcoz does not disclose the signal conditioning module for buffering and filtering the motion data from the motion transducer module. However, such signal conditioning module is well known and obvious in the vehicle art in order to remove the unwanted data from the raw signals outputted from the sensors.

12. With respect to claims 12, 13, 16 and 17, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

13. Claims 3, 4, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior arts of record disclose the controller module adjusts the baseline so that baseline incorporates specific characteristic of the vehicle; adjusts the baseline based on averaged motion data from the motion transducer module when the remote starter is inactive.

Conclusion

14. Claims 1, 2, 5-13, 16 and 17 are rejected. Claims 3, 4, 14 and 15 are objected.

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15. The following references are cited as being of general interest: Hildreth et al. (4,345,554), Nagashima (5,757,086), Chang (6,786,846), and Wylde (2004/0178050).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

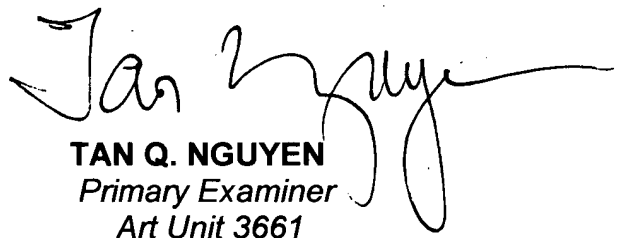
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn
March 31, 2007


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661